



SPONSOR: Rep. B. Short & Sen. Bushweller & Rep. Lynn &
Rep. M. Smith & Sen. Hansen & Sen. Townsend
Reps. Q. Johnson, Keeley, Paradee, Ramone; Sens.
Sokola, Delcollo

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 154

AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO CREDITORS' CLAIMS AGAINST
DECEDENTS' ESTATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 2102, Title 12 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 2102. Limitations on claims against estate.

4 (a) All claims against a decedent's estate which arose before or at the death of the decedent, including claims of the
5 State and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated,
6 founded on contract, tort or other legal basis, except debts of which notice is presumed pursuant to § 2103 of this title, if not
7 barred earlier by other statute of limitations, are barred against the estate, the personal representative and the heirs and
8 devisees of the decedent unless presented as provided in § 2104 of this title within 8 months of the decedent's death whether
9 or not the notice referred to in § 2101 of this title has been given.

10 (b) All claims against a decedent's estate which arise ~~at or~~ after the death of the decedent, including claims of the
11 State or any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded
12 on contract, tort or other legal basis, unless presented in accordance with § 2104 of this title, are barred against the estate,
13 the personal representatives and the heirs and devisees of the decedent, as follows:

14 (1) A claim based on a contract with the personal representative, within 6 months after performance by the
15 personal representative is due;

16 (2) Any other claim, within 6 months after it arises.

SYNOPSIS

Currently, claims that arise at the death of the decedent are treated the same as claims that arise after the decedent's death. This bill changes how claims that arise at the time of decedent's death are treated by including them in the same class of claims that arise during the decedent's lifetime. By making this change, claims that arise at the death of the decedent would need to be based upon the conduct of the decedent rather than the conduct of the personal representative who, at the time of decedent's death, has not yet been appointed.